Docket No.: S63.2N-6769-US03

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Brown et al.

**Application No.:** 

Not yet assigned

Filed:

Concurrently herewith

For:

Improved Longitudinally Flexible Expandable Stent

**Group Art Unit:** 

Not yet assigned

Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, except that U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases.

<u>X</u>	I. This	statem	ent qualifies as a no-fee Information Disclosure Statement under 37 C.F.R.
§1.97(l	b) or oth	erwise	because to the knowledge of the undersigned attorney it is being filed
(check	all that a	apply):	
	<u>X</u>	(1)	within 3 months of the filing date of the application (other than a CPA); or
		(2)	within 3 months of entry of the national stage; or
	<u>X</u>	(3)	before the mailing of a first Office Action on the merits;
	(	(4)	before the mailing of a first Office Action after the filing of a request for
		•	continued examination (RCE) under §1.114;
	(	(5)	as part of a continued prosecution application (CPA); or
•		(6)	during the period of a suspension of action for a CPA under 37 C.F.R.
			§1.103(b).
	II. This	s staten	nent is believed to require a fee or the submission of a certification under
	37 C.F.	R. §1.9	07 (c) or otherwise. If this statement is being filed after the latest of: (1)
	three m	onths b	beyond the filing date of a national application (other than CPA); (2) three
	months	beyon	d the date of entry of the national stage as set forth in §1.491 in an
	internat	ional a	pplication; (3) the mailing of a first Office Action on the merits; (4) the
	mailing	of a fi	rst Office Action after the filing of a request for continued examination
	under §	1.114;	or (5) after the filing of a request for a continued prosecution application,
	but befo	ore the	mailing date of the earlier of a final office action under §1.113, a notice of
	allowan	ce und	er-§1.31-1 or-an-action-that otherwise closes prosecution in the application,
	then:		
		(1)	a certification as specified in §1.97(e) is provided below; or
		(2)	a fee of \$180.00 as set forth in \$1.17(p) is authorized below, enclosed, or
			included with the payment of other papers filed together with this
			statement.

	III. 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the
	earlier of a final office action under §1.113, a notice of allowance under §1.311, or an
	action that otherwise closes prosecution in the application, but before payment of the
	issue fee, then:
	(1) a certification as specified in §1.97(e) is completed below; and
	(2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or
	included with payment of other papers filed together with this statement.
<u>X</u>	IV. Fee Authorization. If any fee is due for consideration of this Information Disclosure
	Statement and full payment has not been submitted herewith, regardless of which boxes
	have been checked above, the Commissioner is hereby authorized to charge any
	additional fees associated with this communication to Deposit Account No. 22-0350.
	The Commissioner is hereby authorized to credit any overpayment associated with this
	communication to Deposit Account No. 22-0350.
If para	ngraph II.1 or III is checked, also check one of the paragraphs below
	I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in
	this Information Disclosure Statement was first cited in a communication from a foreign
	patent office in a counterpart foreign application not more than three months prior to the
	date of the filing of this information disclosure statement.
	This communication was not received by any individual designated in §
	1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
	I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the
	information disclosure statement was cited in a communication from a foreign patent
	office in a counterpart foreign application, and to the knowledge of the person signing the
	-statement-after-making-reasonable inquiry,-no-item of-information contained in the
	information disclosure statement was known to any individual designated in 1.56(c) more
	than three months prior to the filing of the Information Disclosure Statement.
For the	e purpose of this certification, Applicant considers the PCT International Search Authority
to cons	stitute a foreign patent office.

If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: November 10, 2003

James M. Urzedowski Registration No.: 48596

6109 Blue Circle Drive, Suite 2000 Minnetonka, MN 55343-9185 Telephone: (952) 563-3000

Facsimile: (952) 563-3001

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**ATTY DOCKET NO.: S63.2N-6769-US03** APPLICATION NO.: Not yet assigned LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S APPLICANT: Brown et al. INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) GROUP: Not yet assigned FILING DATE: Concurrently herewith REFERENCE DESIGNATION U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS EXAM'S **DOCUMENT NUMBER** DATE NAME CLASS/ FILING DATE INIT. **SUBCLASS** IF APPROPRIATE  $\mathbf{A}\mathbf{A}$ 6,540,775 4/1/03 Fischell et al. 623/1.15 AB AC AD **AE** AF AG AH ΑI AJ ΑK AL FOREIGN PATENT DOCUMENTS **DOCUMENT NUMBER** DATE **COUNTRY** BA  $\mathbf{B}\mathbf{B}$ BC BD BE OTHER ART (Including Author, Title, Date, Pertinent Pages, Ect.) CA **CB** CC**EXAMINER** DATE CONSIDERED EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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LIST	r of PA	ATENTS AND PUBLICATI FOR APPLICANT'S	ONS	APPLICANT: Brian J. Brown et al.							
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	AA	5,911,754	06/15/99	Kanesaka et al.	623	1	IF AP	PROPRIAT	
	AB	5,922,021	07/13/99	Jang	623	1			
	AC	5,948,016	09/07/99	Jang	623	1			
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	AA	5,59	1,197	1/7/97	Orth et al.	606	198		
	AB	5,69	7,971	12/16/97	Fischell et al.	623 .	1	<u> </u>	
	AC	5,71	8,713	2/17/98	Frantzen'	606	198		
	AD	5,73	5,893	4/7/98	Lau et al.	623	1	<u> </u>	•
	AE	5,74	1,327	4/21/98	Frantzeng	623	1		
	AF	5,75	5,776	5/26/98	: Al-Saadon	623	1		
	AG	5,75	5,781	5/26/98	Jayaraman	623	1		
	АН	5,77	6,161	7/7/98	Globerman	606	194	ļ	
	AI	5,776,183		7/7/98	Kanesaka et al.	623	1	ļ	
	AJ	5,80	7,404	9/15/98	Richter	623	1		
	AK		0,872	9/22/98 Kanesaka et al. 60		606	198		
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	CA	-	Beyar et al. The Bester	it, The Laten					
	СВ	-	Boyer et al "Neyver Ste	ats: Materials	s and Designs", IAGS Proceedings, 9(5): 363-371 (June 1997)				
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ļ	-	-	B	4 30 Day Per	sults of the Serpentine Balloon Expandable Stent Implantation	n Simple and	1 Complex Coro	nary Arteri:	al
	cc		Narrowings", The Amer	ican Journal	of Cardiology, 80:1155-1162 (November 1997).				
	CD		Roguin et al, "beStent-th (March 1998).	ne serpentine	balloon expandable stent: review of mechanical properties and	I clinical exp	erience", Anif C	)rgans, <b>2</b> 2(	3):243-249
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FORM P7	O-1449	(Modified)		ATTY DOCKET NO: S63.2-6769 Application No: NA					
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FORM P					ATTY DOCKET NO: \$63.2-5605		Serial No:	08/511,07	6
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EXAM'S INIT.		PAT	ENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING I	
	AA	4,55	53,545	11/19/1985	Maass et al.				
	AB	4,73	33,665	03/29/1988	Palmaz				
	AC	4.73	39,762	04/26/1988	Palmaz				
	ΛD	4,77	76,337	10/11/1933	Palmaz				
	VE	4,83	50,003	05/16/1989	Wolff et al.				
	٨F	4,83	56,516	08/15/1989	Hillstend :				
	ХG	4,88	36,062	12/12/1989	Wiktor				
	AH	4,9	13,141	04/03/1990	Hillstead				
	λſ	4,99	04,071	02/19/1991	MacGregor				
	٧٦	5,0	19,090	05/28/1991	Pinchuk				
	АК	5,0	35,706	07/30/1991	Gianturco et al.				
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	СС		The Self-Expanding	Mesh Stent, by Ulr	rich Sigwart, <u>SECTION IV</u> , Chapter 29, p	p. 605-610.			
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	1.1	5,059	),211	10/22/1991	Stack et al.						
	AB	5,102	2,417	04:07/1992	Palinaz						
	ΛC	5,10-1	1,404	04/14/1992	Wattf						
	AD	5,133	1,732	07/28/1992	Wiktor						
	АE	5.135	5,536	08/04/1992	Hillstead						
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	INFO	DRMATION DISCLOSUR	E	APPLICANT: Brian J. Brown, Michael L. Davi	s			
	(Use	STATEMENT several sheets if necessary	)	FILING DATE: August 3, 1995		Group: 3308		
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	AB	4,141,364	02/27/1979	Schultze				
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·	ΛD	4,693,721	09/15/1987	Ducheyne		• •		
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FORM M	TO-1449	(Modified)		ATTY DOCKET NO: \$63.2-5605		Serial No: (	08/511,076
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	(Use	STATEMENT several sheets if necessary)		FILING DATE: August 3, 1995		Group: 3308	
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not in conf	ormano	ce and not considered. Include	copy	y or mis	form with next communication to	applicalli.	

ATTY DOCKET NO.: S63.2N-9969-US APPLICATION NO.: 09/878596 LIST OF PATENTS AND PUBLICATIONS APPLICANT: Brian J. Brown, Michael Davis, David Friesen, Timothy J. Ley and Sean FOR APPLICANT'S P. Skubitz INFORMATION DISCLOSURE STATEMENT FILING DATE: June 11, 2001 (Use several sheets if necessary) GROUP: 3731 REFERENCE DESIGNATION U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS EXAM'S DOCUMENT NUMBER DATE NAME CLASS/ FILING DATE INIT. **SUBCLASS** IF APPROPRIATE 6,348,065 2/19/02 AABrown et al. 623/1.16 ΑB 2001/0056298 A1 12/27/01 Brown et al. 623/1.16 2002/0177893 A1 AC11/28/02 Brown et al. 623/1.16 AD ΑE  $\mathbf{AF}$  $\mathbf{AG}$ ΑH ΑI ΑJ ΑK AL FOREIGN PATENT DOCUMENTS DOCUMENT NUMBER DATE **COUNTRY** BA  $\mathbf{B}\mathbf{B}$ BC BDBE OTHER ART (Including Author, Title, Date, Pertinent Pages, Ect.) CA CB CC **EXAMINER** DATE CONSIDERED EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

	ATTY	DOCKET NO.: S63.21	N-9969 <b>-</b> US	APPLICATION NO. 09/878596				
US APPLICATIONS	APPLIC	APPLICANT: Brian J. Brown, Michael Davis, David Friesen, Timothy J. Ley and Sean P. Skubit						
	FILING	DATE: June 11, 2001		GROUP: 3731				
UNPUBL	ISHED U	S APPLICATIONS	NOT RELATE	D BY PRIORITY				
APPLICATION N	O.	FILING DATE	INVENTOR(S)					
DA 08/396569		3/1/95	Brown					
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3	APPLICATION N 08/396569 3 09/599674 C 09/666,866	UNPUBLISHED U  APPLICATION NO.  A 08/396569 B 09/599674 C 09/666,866	APPLICATIONS  APPLICANT: Brian J. Brown, Filing Date: June 11, 2001  UNPUBLISHED US APPLICATIONS  APPLICATION NO. FILING DATE  A 08/396569 3/1/95  B 09/599674 6/22/00  C 09/666,866 9/20/00	APPLICANT: Brian J. Brown, Michael Davis, E  FILING DATE: June 11, 2001  UNPUBLISHED US APPLICATIONS NOT RELATE  APPLICATION NO. FILING DATE INVENTO  A 08/396569 3/1/95 Brown  B 09/599674 6/22/00 Brown et  C 09/666,866 9/20/00 Brown et				

# **ELECTRONIC INFORMATION DISCLOSURE STATEMENT**

Electronic Version v18 Stylesheet Version v18.0

> Title of Invention

IMPROVED LONGITUDINALLY FLEXIBLE EXPANDABLE STENT

Application Number:

09/878596

\*09/878596\*

Confirmation Number:

4515

First Named Applicant:

Brian Brown

Attorney Docket Number: S63.2N-6769-US02

Art Unit:

3731

Examiner:

Vy Q. Bui

Search string:

(5855597 or 6395020).pn.

## **US Patent Documents**

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
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# Signature

Examiner Name	Date

# **Electronic Information Disclosure Statement**

# IMPROVED LONGITUDINALLY FLEXIBLE EXPANDABLE STENT

Application:

\*09/197278\*

09/197278

Confirmation:

1094

Applicant(s):

Brian Brown

Docket Number:

S63.2-6769

Group Art Unit:

3731

Examiner:

Vy Q. Bui

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Note: Applicant is not required to submit a paper copy of cited US Patent Documents

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# Remarks

(Remarks are not for responding to an office action.)

This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. section 1.97 (b) or otherwise because to the knowledge of the undersigned attorney it is being filed before the mailing date of a first Office Action after the filing of a request for continued examination (RCE) under section 1.114. Nevertheless, if any fee is due with the submission of this IDS, please charge

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### FOREIGN PATENT DOCUMENTS

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	N	DE 29708879U1	09-1997	Germany		A61F	2/04	
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#### **NON-PATENT DOCUMENTS**

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A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).) Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

FORM PTO-1449 (Modified)					ATTY DOCKET NO.: S63.2-6769 APPLICATION NO.: 09/197,278				
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				IONS	APPLICANT: Brian J. Brown et al.				
				The second second second	FILING DATE: November 20, 1998 GROUP: 3731				
F	REFER	ENC	E DESIGNATION		U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS				
EXAM'S INIT.		DO	CUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE		
	AA	6,00	68,656	5/30/00	Von Oepen	623/1.17			
	AB	6,17	29,755	10/10/00	Mathis et al.	623/1.15			
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			reference considered, wh y of this form with next of		itation is in conformance with MPEP 609; Draw line through to applicant	gh citation if no	t in conformance and not		